

UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: M. Yavuz Dedigil et al.
Application Number: 10/582,921
Filing Date: 04/30/2007
Group Art Unit: 1779
Examiner: Thomas M. Lithgow
Title: DEVICE AND METHOD FOR FILTERING
PARTICLES FROM A LIQUID IN A DISHWASHER

Mail Stop Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REPLY BRIEF

Pursuant to 37 CFR 41.41, Appellants hereby file a Reply Brief in the above-identified application.

STATUS OF CLAIMS

Claims 8-16 are pending. Claims 1-7 were canceled in the June 13, 2006 Preliminary Amendment. Claims 8-12 stand rejected and are the basis of this appeal. Claims 13-16 have been allowed. Claims 8, 13, 15, and 16 are independent.

GROUND OF REJECTION TO BE REVIEWED ON APPEAL

(a) Whether claims 8-12 are anticipated under 35 U.S.C. § 102(b) by any one of Kemper (U.S. Patent No. 6,413,366) or Britz (U.S. Patent Publication No. 2004/0256295) or Dolbear (U.S. Patent No. 1,478,703) or Dolbear (U.S. Patent No. 1,480,884) or DE 10250762 or Tlok (U.S. Patent No. 5,910,248).

REPLY ARGUMENT

The Response to Arguments states that any one of the liquid layers is broadly interpreted as “a predetermined quantity of liquid” as recited in independent claim 8. Appellants respectfully submit the underlying meaning of the word *predetermined* as recited in the claim cannot be dismissed. As noted in MPEP § 2111, the claims must be given their broadest reasonable interpretation consistent with the specification. The Federal Circuit elaborated on this standard by requiring that the broadest reasonable interpretation must be “in light of the specification as it would be interpreted by one of ordinary skill in the art” per *In re Am. Acad. of Sci. Tech. Ctr.*, 367 F.3d 1359, 1364 (Fed. Cir. 2004).

Appellants respectfully submit that in the present invention, as taught in the specification, the thickness of the foam layer can be varied and is adjustable in height. By metering the foam-forming substance, a foam layer of different thickness can be achieved, which is matched to the respective degree of contamination of the dishwashing fluid. The use of a *predetermined* quantity of liquid as claimed is a part of this process. As such, consistent with the present specification, a device merely having a liquid would not teach or suggest the predetermined quantity of liquid as in the present invention.

CONCLUSION

In view of the foregoing discussion, Appellants respectfully request reversal of the Examiner's rejections.

Respectfully submitted,

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